

A U S T I N C I T Y C O U N C I L  
**AGENDA**



Thursday, January 25, 2007

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**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 42**

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**Subject:** C14-06-0112 - Slaughter 2-458 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1100 Block of West Slaughter lane (Slaughter Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Staff Recommendation To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation To deny community commercial (GR) district zoning Applicant Herby's Joint Venture (Jimmy Nassour) Agent Jim Bennett Consulting (Jim Bennett) City Staff: Wendy Walsh, 974-7719

**Additional Backup  
Material**  
(click to open)  
 Staff\_Report

**For More Information:**

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-06-0112

**Z.A.P. DATE:** December 19, 2006

**ADDRESS:** 1100 Block of West Slaughter Lane

**OWNER:** Herby's Joint Venture  
(Jimmy Nassour)

**AGENT:** Jim Bennett Consulting  
(Jim Bennett)

**ZONING FROM:** LR

**TO:** GR

**AREA:** 2.458 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to deny community commercial (GR) district zoning.

If the Applicant's request for GR zoning is granted, then the Staff recommends that development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

December 19, 2006: *DENIED THE APPLICANT'S REQUEST FOR GR DISTRICT ZONING.*

*[C. HAMMOND; J. PINNELLI – 2<sup>ND</sup>] (8-1, MARTINEZ – NAY)*

### **ISSUES:**

The Applicant would like to discuss the recommendation of the Zoning and Platting Commission. In addition, the Applicant is willing to prohibit the following automotive uses: automotive rentals; automotive repair services; automotive sales and automotive washing.

A representative of the Texas Oaks South Neighborhood Association spoke in opposition to the Applicant's rezoning request.

### **DEPARTMENT COMMENTS:**

The subject platted lot is undeveloped, has direct access to West Slaughter Lane and is zoned neighborhood commercial (LR) district. The south side of West Slaughter Lane east of David Moore Road consists of undeveloped land at that intersection (LR-CO), apartments (MF-2-CO), two single family residences and an upholstery shop (SF-2), a drainage channel, the driveway to a City electric substation (P), an auto repair business (DR), a limited restaurant (LR-MU-CO/ LO-MU-CO) and the entrance to Mary Moore Searight Park (P). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the lot to the community commercial (GR) district to accommodate unspecified retail uses. With the exception of the day care use at the northeast corner of Chisholm Lane (zoned in 1986 and limited to a day care use and attached site plan),

there are no other GR zoned properties on this segment of West Slaughter Lane. Furthermore, although the property is located on a major arterial roadway, it is not located at an intersection. Staff supports non-residential land uses along Slaughter Lane, but is concerned that community commercial (GR) zoning would set a precedent for a significant depth (over 400 feet) of more intense commercial zoning on tracts that are not located at an intersection and adjacent to residential uses. For these reasons, the Staff recommends retaining the existing LR district zoning on the property.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR	Undeveloped
<i>North</i>	SF-2; LO, LO-CO; LR-CO; DR; GR	Single family residences; Beauty salon; Realtor; Child care facility; Undeveloped
<i>South</i>	P; SF-1-CO; I-RR	Electric substation; Undeveloped
<i>East</i>	DR; LO-MU-CO; LR-MU-CO; MF-2-CO	Shed; Undeveloped; Auto repair; Mary Moore Searight Park; Apartments
<i>West</i>	LR-CO; MF-1-CO; SF-2; SF-1, RR	Drainage channel; Two single family residences; Undeveloped; Apartments; Upholstery shop

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Slaughter Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

- 26 – Far South Austin Community Association
- 242 – Slaughter Lane Neighborhood Association
- 262 – Beaconridge Neighborhood Association
- 300 – Terrell Lane Interceptor Association
- 428 – Barton Springs / Edwards Aquifer Conservation District
- 511 – Austin Neighborhoods Council
- 627 – Onion Creek Homeowners Association
- 658 – Texas Oaks North Neighborhood Association
- 742 – Austin Independent School District
- 786 – Home Builders Association of Greater Austin
- 948 – South by Southeast Neighborhood Organization

**SCHOOLS:**

- Casey Elementary School
- Paredes Middle School
- Charles Akins High School

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-98-0270	DR, SF-2 to GR	To Grant LO-CO & LR-CO, w/conditions	Approved LR-CO and LO-CO with CO for 2,000 trips, prohibit access to Chisholm Lane, prohibit service station and financial services (7-15-99)
C14-99-0063	SF-2 to LO	To Grant LO-CO, w/conditions	Approved LO-CO with CO prohibiting access to Slaughter Lane (8-19-99).
C14-00-2098	SF-1 to MF-1-CO and LR-CO	To Grant MF-1-CO and LR-CO, w/conditions	Approved MF-1-CO and LR-CO, with CO for Traffic Impact Analysis; 13.24 u.p.a. (300 units); 15' vegetative buffer along David Moore Rd; list of prohibited uses (1-25-01).
C14-00-2111	DR to MF-3	To Grant MF-2-CO w/conditions.	Approved MF-2-CO with CO for 12.18 u.p.a. and conditions of Traffic Impact Analysis (10-26-00).
C14-00-2189	DR to W/LO	To Grant W/LO-CO w/conditions	Approved W/LO-CO with CO for 2,000 trips (1-18-01)
C14-00-2242	DR to LR	To Grant LR-CO w/conditions	Approved LR-CO with CO for 2,000 trips (2-15-01).
C14-02-0046	DR to GR-CO	To Grant LR-CO	Approved LR-CO with CO for 2,000 trips and list of prohibited uses (9-26-02).
C14-05-0217	SF-2 to LR-CO	To Grant LO	Approved LO district zoning (4-20-06).

**RELATED CASES:**

The rezoning area consists of a portion of Lot 1 of the Resubdivision of Tract C of the Etta Chappell Estate Farm Tract Subdivision, recorded in April 2001 (C8-95-0231.02.1A). Please refer to Exhibit B

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bus Route</b>	<b>Bike Route</b>
West Slaughter Lane	120'	2 @ 36'	Major Arterial	No	Yes	Priority 2

**CITY COUNCIL DATE:** January 25, 2007

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

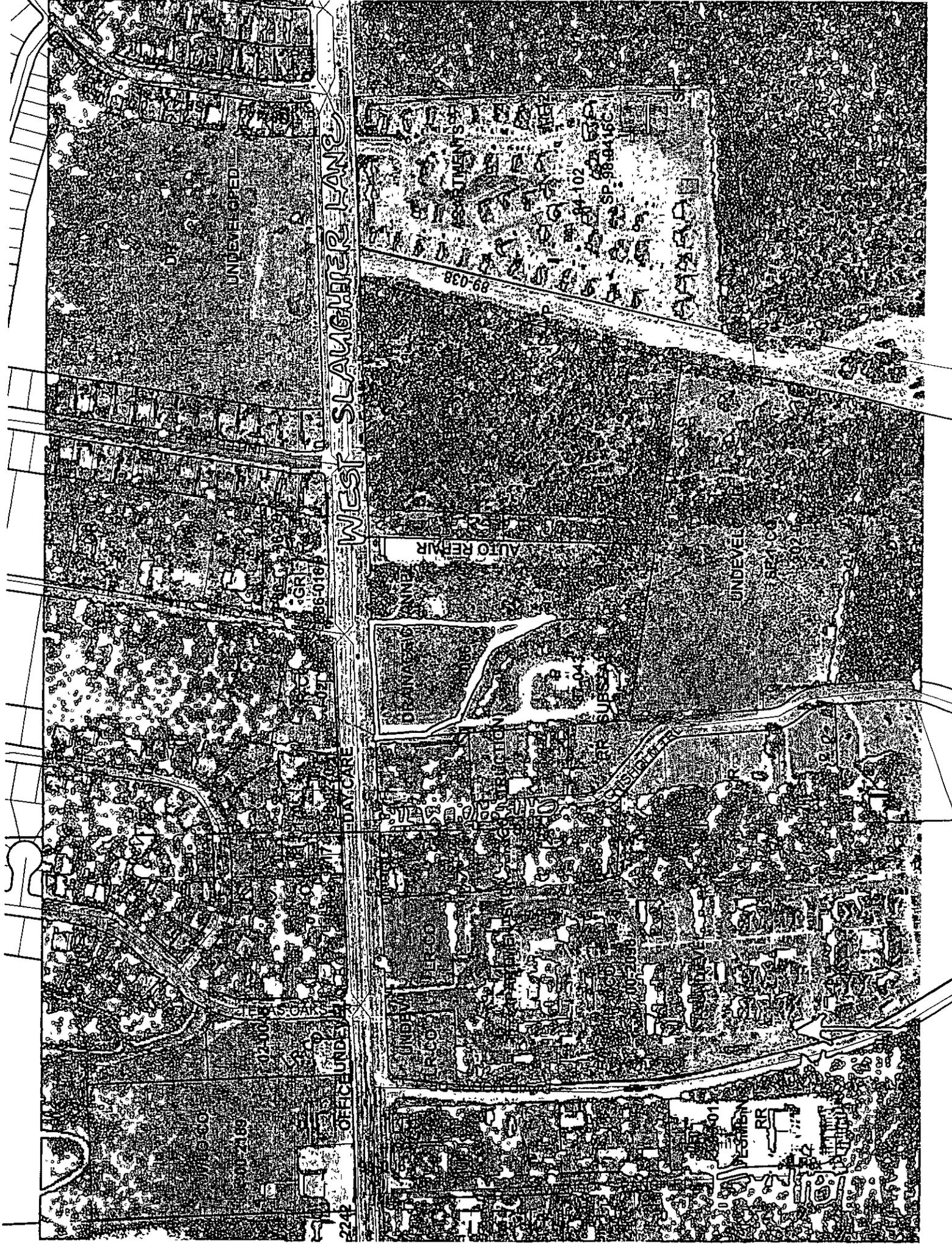
**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719



	SUBJECT TRACT		<b>CASE #:</b> C14-06-0112 <b>ADDRESS:</b> 1100 BLOCK OF W SLAUGHTER LN SUBJECT AREA (acres): 2.450	<b>ZONING Exhibit A</b>  <b>DATE:</b> 07-01  <b>INTLS:</b> SM	<b>CITY GRID REFERENCE NUMBER</b>  F14
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				



WEST SLAUGHTER LEANS

DUJACRE

OFFICE UNDE

UNDEVELOPED

GRAVE

AUTO REPAIR

UNDEVELOPED

STATION

UNDEVELOPED

UNDEVELOPED

SEA COG

89-038

102

SP-98-0416C

169

01

RR



**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to deny community commercial district (GR) zoning.

If the Applicant's request for GR zoning is granted, then the Staff recommends that development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The property has access to West Slaughter Lane, an improved, 6-lane major arterial roadway.

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

- 2. Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff supports non-residential land uses along Slaughter Lane, but is concerned that community commercial (GR) zoning would set a precedent for a significant depth (over 400 feet) of more intense commercial zoning on tracts that are not located at an intersection and adjacent to residential uses. For these reasons, the Staff recommends retaining the existing LR district zoning on the property.

**EXISTING CONDITIONS****Site Characteristics**

The site is undeveloped and slopes towards the drainage easement that forms the irregular south property line.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 80% based on the more restrictive watershed regulations.

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 7,084 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be

limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

### **Site Plan and Compatibility Standards**

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice

Case Number: C14-06-0112

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

December 19, 2006 Zoning and Platting

Commission

I am in favor  
 I object

Luther Lawson

Your Name (please print)

9503 + 9502 Christelm Tr. So.

Your address(es) affected by this application

Luther Lawson

Signature

Date

Comments: Any thing necessary to remove the RR zoning. It is outdated and unrealistic for this area at this time.

I would also like to see 9502 + 9503 zoned to not only grandfather in but be zoned permanently to commercial. As it should have been when passed into the City. Light Commercial

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8910

L.R.C.O.